

Before the  
Federal Communications Commission  
Washington, DC 20554

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In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Genoa-Kingston Community Unit School	)	File Nos. SLD-247609, 327932
District 424	)	
Kingston, Illinois	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. <u>97-21</u>
National Exchange Carrier Association, Inc.	)	

**ORDER**

Adopted: May 14, 2003

Released: May 15, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Genoa-Kingston Community Unit School District 424 (Genoa-Kingston), Kingston, Illinois, seeks review of two decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) issued February 20, 2002 and May 21, 2002.<sup>1</sup> On January 21, 2003, Genoa-Kingston appealed the decisions to SLD, but SLD denied the appeal because Genoa-Kingston filed the appeal more than 60 days after the decisions were rendered.<sup>2</sup> We affirm SLD's decision. For a review of decisions by SLD issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD

<sup>1</sup> Letter from Wayne Azon, Genoa-Kingston Community Unit School District 424, to Federal Communications Commission, filed March 26, 2003 (Request for Review). *See also* Letter from the School and Libraries Division, Universal Service Administrative Company, to Curt Gustafson, Genoa-Kingston Community Unit School District 424, dated February 20, 2002 (Administrator's Decision on Appeal regarding SLD Application Number 247609) and Letter from the School and Libraries Division, Universal Service Administrative Company, to Curt Gustafson, Genoa-Kingston Community Unit School District 424, dated May 21, 2002 (Administrator's Decision on Appeal regarding SLD Application Number 327932). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

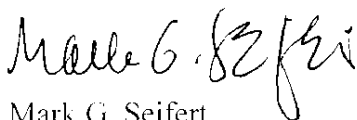
<sup>2</sup> *See* Letter from Wayne Azon, Genoa-Kingston Community Unit School District 424, to Schools and Libraries Division, Universal Service Administrative Company, filed January 21, 2003, Letter from Schools and Libraries Division, Universal Service Administrative Company, to Wayne Azon, Genoa-Kingston Community Unit School District 424, dated January 27, 2003 (regarding SLD Application Number 327932) and Letter from Schools and Libraries Division, Universal Service Administrative Company, to Curt Gustafson, Genoa-Kingston Community Unit School District 424, dated March 4, 2003 (regarding SLD Application Number 247609).

decision date.<sup>3</sup> Here, Genoa-Kingston filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

2. To the extent that Genoa-Kingston additionally asks us to waive our rules in this instance, we deny its request.<sup>4</sup> Genoa-Kingston states that the filing deadlines were missed as a result of human oversight.<sup>5</sup> Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.<sup>6</sup> Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.<sup>7</sup>

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on March 26, 2003, by Genoa-Kingston School District 424, Kingston, Illinois, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>3</sup> 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

<sup>4</sup> 47 C.F.R. § 54.720(b).

<sup>5</sup> Request for Review.

<sup>6</sup> 47 C.F.R. § 1.3; see *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>7</sup> See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.